

Thomas H. Billingslea, Jr.
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U.S. Bankruptcy Court,
 Southern District of California
 325 West F Street, San Diego, CA 92189

In Re:

SARA NEWSOME BURNS

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Bankruptcy No.:

99-00811-B-13

Trustee's Objections To Confirmation of Chapter 13 Plan

Thomas H. Billingslea, Jr., the Standing Chapter 13 Trustee, hereby objects to confirmation and moves to dismiss. The basis for the objection is:

- _____ 1. **Plan Length:** The Plan length is over 60 months. [1322 (d)]
- _____ 2. **Jurisdictional Limitations:** Debtors owe debts in excess of \$269,250 in unsecured debts and/or \$807,750 in secured debts. [109 (e)]
- _____ 3. **Disposable Income**
 - _____ Debtor has failed to apply all projected disposable income to plan for a period of not less than three years. [1325 (b) (1) (B)]
 - _____ Debtor's Expenses are high, namely:
 - _____ Transportation
 - _____ 401K Deduction
 - _____ Recreation
 - _____ Other _____
 - _____ Income listed on Schedule I differs from Paycheck stub.
- _____ 4. **Unfair Discrimination:** The plan discriminates among the unsecured creditors. [1322 (b) (1)]
 - _____ Automobile _____ Student Loan
- _____ 5. **Arrears:** The plan does not provide for the timely curing of mortgage arrears.
- _____ 6. **The plan is incomprehensible or internally inconsistent and the Trustee cannot administer it in current format.**
 - _____ Need to file Mandated Plan
- _____ 7. **Plan Payments**
 - _____ Inability to make timely plan payments. [1325 (a) (6)]
- ☒ 8. **The Plan is not proposed in good faith or does not comply with Code provisions.**
 - _____ Tax Returns have not been filed for years: _____
 - _____ Inadequate Post-Petition Tax Provision
 - _____ Failure to disclose prior bankruptcy
 - _____ Failure to timely respond to requests of Trustee
 - _____ Failure to provide for full payment of all priority claims.
- _____ 9. **Liquidation Analysis:** Allowed unsecured creditors receive less under a Chapter 13 than they would have under a Chapter 7. [1325 (a) (4)]

I hereby certify under penalty of perjury that I have on this date mailed a true copy of this Objection to Plan to the Attorney for the debtor (or debtors).

Dated: 2/4/99

Attorney for Debtor[s]:

Thomas H. Billingslea, Jr. Trustee

L. SCOTT KEEHN

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